IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

CRL.A.No. 742 of 2002()

CC. 933/1999 OF JUDL. IST CLASS MAGISTRATE – I ALUVA
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APPELLANT: COMPLAINANT:

K.C. VENU, KONATTU HOUSE,
ERUMATHALA P.O., ALUVA.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS: ACCUSED & STATE:
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1. **P.V. POULOSE, POLICE CANTEEN,**
   ALUVA.

2. **STATE OF KERALA, REPRESENTED**
   BY PUBLIC PROSECUTOR, HIGH COURT OF
   KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

K.R. UDAYABHANU, J.

CRL.A.NO.742 of 2002

DATED THIS THE 11th SEPTEMBER 2007

JUDGMENT

The appellant is the complainant in C.C.No. 933/1999 in the file of the Judicial Magistrate of First Class-I, Aluva with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent as was laid up.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 15-10-2007 The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO742 of 2002C

JUDGMENT

11-9-2007

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